

**MTA Oral Argument Transcript Corrections*****State of New Jersey v. U.S. Dep’t of Transp. et al.*, No. 2:23-cv-03885**

## Transcript corrections

<b>Volume One Corrections (April 3, 2024)</b>		
Page	Line	Description of Proposed Change
5	16	“Pagel” change to “Paget”
33	25	“protective” change to “predicted”
34	3	“affects” change to “effects”
36	7	“judgments to defend this” change to “judgment to Defendants”
50	24	“15 billion” change to “\$15 billion”
51	1	“no” change to “yes”
52	10	add “term” after “that”
54	1	“should” change to “could”
55	6	“issue” change to “execute”
56	10-11	“most projects are the subject of FONSI and EAs and FONSI, not EIS” change to “most projects are the subject of FONSI and EAs, not EISs.”
56	16	“TBA” change to “TBTA”
58	22	“know s” change to “knows”
58	8	“impact” change to “impacts”
59	7	“slide 7” change to “slide 8”
59	22	“delay s” change to “delays”
60	23	“important ly” change to “importantly”
72	19	“litigation” change to “mitigation”
79	17	“implicating” change to “implementing”
83	3	delete “a”
84	25	“turned” change to “turn”
86	7	“mitigator” change to “mitigated”
109	22	“committees” change to “communities”
109	23	“committees” change to “communities”
114	19	“this” change to “based”
118	3	“differed” change to “deferred”
119	5	“objections” change to “objectives”
129	10	“in” change to “and”
129	22	“in” change to “and”
130	19	“cared for” change to “carried forward”
130	22	“in” change to “and”
133	22	“Federal has” change to “federalism”
135	6	“for” change to “v.”
153	15	“MCA” change to “MTA”
155	17	“eligible” change to “eligibility”
155	19	“New York/New Jersey” change to “New York, New Jersey”
156	14	“that, which” change to “that which”; delete “but”
156	16	“of” change to “from”

157	9	“divert to routes” change to “divert routes”
159	14	“burden” change to “burdens”
160	8	“weren’t” change to “warrant”
160	12-13	“that were identified that form” change to “that were identified for”
166	18	“it may” change to “that may”
168	3	“there’s” change to “there are”
168	3	“give you the names” change to “give you the names of”
168	10	“ <i>Cachil Dehe Band of Winton Indians</i> ” change to “ <i>Cachil Dehe Band of Wintun Indians of Colusa Indian Community v. Zinke</i> , 889 F.3d 584 (9th Cir. 2018)”
168	11	“ <i>Stand Up for California</i> ” change to “ <i>Stand Up for California! v. U.S. Dep’t of Interior</i> , 919 F. Supp. 2d 51 (D.C. Cir. 2013)”
168	12	“ <i>Protect Lake Pleasant</i> ” change to “ <i>Protect Lake Pleasant, LLC v. Connor</i> , No. CIV 07-0454-PHX-RCB, 2010 WL 5638735 (D. Ariz. July 30, 2010)”
168	13	“ <i>Citizens Against Burlington v. Busey</i> ” change to “ <i>Citizens Against Burlington, Inc. v. Busey</i> , 938 F.2d 190 (D.C. Cir. 1991)”
169	20	“ <i>National Resources Defense Council v. Morton</i> ” change to “ <i>Nat. Res. Defense Council, Inc. v. Morton</i> , 458 F.2d 827 (D.C. Cir. 1972)”
169	22	“it talks about that is” change to “it talks about how that is”
169	5	“purpose in need” change to “purpose and need”
169	8	“purpose in need” change to “purpose and need”
171	10	“purpose in need” change to “purpose and need”
171	10-11	“purpose in need” change to “purpose and need”
171	14	“purpose in need” change to “purpose and need”
171	15	“FHA” change to “FHWA”
172	23	“time for situation” change to “type of situation”
173	15	“purpose in need” change to “purpose and need”
191	25	“group with” change to “group and with”
195	6 and 11	“EJ tag” change to “EJTAG”
234	12	“DOT 00336341” change to “DOT 0036341”
240	15	“pairing” change to “comparing”
246	2	“1.0 percent” change to “1.10 percent”
246	16	“for one percent or less” change to “or one percent or less”
248	19	“innate” change to “agency”
260	16	“about while” change to “about, while”
262	8	“purview” change to “review”
265	7	“PN2.5” and “PN10” change to “PM2.5” and “PM10”
266	1	“Newark” change to “New York”
269	16	“diversion air” change to “diversionary”
272	11	“distance in population” change to “distance and population”

<b>Volume Two Corrections (April 4, 2024)</b>		
Page	Line	Description of Proposed Change
4	3	“Mr. Knauer” change to “Ms. Knauer”
9	11	“disease or burdens” change to “disease or pollutant burdens”
9	14, 23 and 24	“consensus” change to “census”
10	4, 6, 10	“consensus” change to “census”
11	3	“consensus” change to “census”
12	24	“recent” change to “recently”
14	17	“There’s” change to “Theirs’s”
14	21	“realize” change to “relies”
23	6	“Ow” change to “Now”
30	7	“F.3d 255” change to “F.3d 225”
24	22	“cite-specific” change to “site-specific”
36	18	“Federal Highway’s” change to “Federal Highways”
37	2	“Federal Highway’s” change to “Federal Highways”
40	23	Citation to “DOT_7962” appears to be in error. Can DOJ correct this?
41	24	“effects” change to “affects”
45	19	“of the” change to “was a”
46	7	“rationals” change to “rationales”
46	9	“rational” change to “rationale”
46	25	“a greater intention” change to “greater attention”
47	10	“rational” change to “rationale”
53	6	“CJET” change to “CEJST”
54	2-3	“communities benefits the” change to “community benefits from”
54	17	“tract” change to “tracts”
55	12	“Federal Highway’s” change to “Federal Highways”
65	8	“waiver” change to “and”
65	13	“the stop to” change to “to stop the”
67	22	“that are taking heat” change to “they are taking here”
92	7	“40,000” change to “4,000”
97	24	“KNAUER” change to “MYERS”
119	1	“Federal Highway’s” change to “Federal Highways”
127	3-4	“ <i>Delaware Department of Natural Resources and Environmental Control</i> , 685 F.3d 259” change to <i>State Dep’t of Nat. Res. &amp; Env’tl. Control v. U.S. Army Corps of Eng’rs</i> , 685 F.3d 259 (3d Cir. 2012).
130	15	“771.119(h)” change to “23 CFR 771.119(h)”
138	24	“in participating” change to “to participate”
141	3-4	“go back look” change to “go back and look”
141	7	“We” should not be capitalized
141	9	Delete “.” after “analysis”

141	13	“highway” change to “highways”
143	17	“isn’t” change to “is”
143	17	“today” change to “to”
146	1	“obligate” change to “obligated”
147	20	“ <i>Earlbaum v. New Jersey DEP</i> ” change to “ <i>Erlbaum v. New Jersey Dep’t of Env’t Prot.</i> , No. CV 16-8198 (RMB/JS), 2017 WL 465466 (D.N.J. Feb. 3, 2017)”
147	20-21	“ <i>Slockish v. FHWA</i> ” change to “ <i>Slockish v. FHWA</i> , No. 3:08-cv-01169-YY, 2020 WL 8617636 (D. Or. Apr. 1, 2020)”
147	21	“ <i>Village of Logan v. Department of Interior</i> ” change to “ <i>Vill. Of Logan v. U.S. Dep’t of Interior</i> , No. 12-CV-401 WJ/LFG, 2013 WL 12084730 (D.N.M. Jan. 14, 2013)”
147	22	“after,” change to “after lunch”
149	24	“ <i>Kootenal</i> ” change to “ <i>Kootenai</i> ”
151	9	“no” change to “yes”
153	8	“transportation agencies” change to “transportation agencies participated”
157	21	“computers” change to “commuters”
158	7	“computers” change to “commuters”
160	3	“to” change to “that”
160	8	“were late” change to “submitted late”
160	8	“but that” change to “but before”
160	9	Delete “not”
160	11	“come” change to “came”
160	11	“is” change to “was”
185	3	“prevented” change to “preserved”
205	24	“as all” change to “is all”
214	23	“Federal Highway’s” change to “Federal Highways”
231	24	“ <i>Cata</i> ” change to “ <i>Comité de Apoyo a Los Trabajadores Agricolas v. Perez</i> ”
237	12	“rational” change to “rationale”
256	11	“a state to” change to “to a state”

In addition, in our review we noted some inadvertent misstatements made during argument that were correctly recorded in the transcript; however, for the Court's understanding and to clarify the record, we are noting them below.

<b>Volume One Clarifications</b>		
Page	Line	Description of Proposed Change
56	16	"charges" should be "structure"
152	23	"Assistance Group" should be "Advisory Group"
161	3	"Assistance Group" should be "Advisory Group"
164	24	"Assistance Group" should be "Advisory Group"
195	6	"Assistance Group" should be "Advisory Group"
274	7-8	"Sorry. 15 census tracts. Not communities" change to "Correct."
274	18	Change "To seven" to "To four"
275	4	Change "seven" to "four"
<b>Volume Two Clarifications</b>		
9-10	23-24, 1	Delete "Sorry.....the same four municipalities" and change to "Correct."